

**BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2011-8-E**

IN RE:

Progress Energy Carolinas, Inc.'s  
Integrated Resource Plan (IRP)

) **OFFICE OF REGULATORY  
) STAFF REPLY IN SUPPORT  
) OF PETITION TO  
) INTERVENE BY SOUTH  
) CAROLINA COASTAL  
) CONSERVATION LEAGUE  
) AND SOUTHERN ALLIANCE  
) FOR CLEAN ENERGY**

The South Carolina Office of Regulatory Staff ("ORS") submits the following in support of the Petition to Intervene filed in this docket on October 17, 2011 by the South Carolina Coastal Conservation League ("CCL") and Southern Alliance for Clean Energy ("SACE") (collectively "Petitioners").

This docket was initiated on September 1, 2011 with the filing by Progress Energy Carolinas, Inc. ("PEC") of its 2011 Integrated Resource Plan ("IRP"). As indicated in PEC's cover letter to that filing, the IRP was submitted to the Commission in accordance with the provisions of S.C. Code Ann. §§58-37-40 (Supp. 2010) and Commission Order No. 2005-226.

On October 17, 2011 the Petitioners filed a Petition to Intervene seeking to intervene in this matter, to file comments with the Commission in this matter out of time, and requesting an allowable ex parte briefing. In their Petition to Intervene Petitioners have alleged an interest by its members in the impacts of PEC's IRP; in particular in regards to matters contained in the IRP related to initiatives for clean, renewable and low-cost energy for its members who are customers of PEC. Petitioners have thereby asserted sufficient protectable and tangible interests of its members to support their standing to intervene in this docket.

As provided in S. C. Code Ann. Regs. 103-825: “Petitions may be submitted to the Commission for *any* relief, other than for an adjustment of rates and charges, which the Commission is empowered to grant under its statutory authority.” (emphasis added). The broad parameters established by the Commission for Petitions to Intervene only require that such set forth: “(a) The facts from which the nature of the petitioner’s alleged right or interest can be determined; (b) The grounds of the proposed intervention; (c) The position of the petitioner in the proceeding.” These three points have clearly been met in the Petition to Intervene at issue here.

In Order No. 2010-124, issued in Docket No. 1987-223-E, the Commission established annual proceedings for the review of IRP’s filed by the investor owned electric utilities under its jurisdiction. This Order has led to the establishment of individual dockets for each IRP to permit public comment and the scheduling of allowable ex parte presentations. In so doing, the Commission has, by Commission order, established annual IRP proceedings which should be open to the intervention of parties which can establish standing, interest, and a position in those dockets.

ORS concurs with the current procedures established by the Commission in Order No. 2010-124 as well as the IRP filed by PEC in this docket. However, ORS believes that the Petitioners request meets the standards established in the Commission’s Regulations and Orders and is in the public interest.<sup>1</sup> ORS therefore supports Petitioners request to intervene in this matter as well as their request for the Commission to schedule an allowable ex parte briefing before the Commission to allow them to respond to the IRP and presentation of PEC. Permitting the Petitioners an opportunity to present their position in regards to the PEC IRP through an allowable ex parte briefing would correspond with the Commission’s position stated in Order No.2011-366 in Docket 2011-9-E.

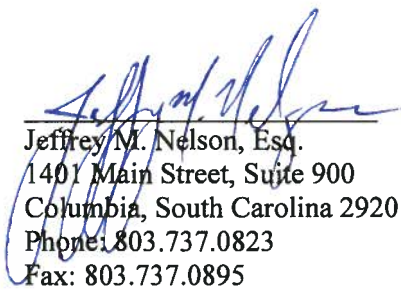
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<sup>1</sup>S .C. Code Ann. §58-4-10 (Supp. 2010) provides that ORS is charged with representing the “public interest” in all matters before the Commission. “Public interest” is defined therein as a balancing of: “(1) concerns of the using and consuming public with respect to the public utility services, regardless of the class of customers; (2) economic development and job attraction and retention in South Carolina; and (3) preservation of the financial integrity of the state’s public utilities and continued investment in and maintenance of utility facilities so as to provide reliable and high quality utility service.”

Finally, in Order No. 2010-124 the Commission provided that interested persons are permitted to file written comments regarding a utilities IRP. As previously stated, ORS believes that the Petitioners have clearly demonstrated an interest in the PEC IRP. Although Petitioner's have missed the deadline for filing comments in this docket, ORS believes that it would be in the public interest to permit the Petitioners to submit comments out of time in view of this interest.

WHEREFORE, for the reasons set forth above, ORS supports the Petition to Intervene as well as the request of Petitioners that the Commission establish an allowable ex parte to permit Petitioners to present witnesses or materials they believe relevant to the Commission's review of PEC's 2011 IRP.

Respectfully submitted,



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October 24, 2011  
Columbia, South Carolina

**BEFORE**  
**THE PUBLIC SERVICE COMMISSION**  
**OF SOUTH CAROLINA**  
**DOCKET NO. 2011- 8-E**

IN RE: Progress Energy Carolinas, Incorporated's      )  
Integrated Resource Plan (IRP)                                ) **CERTIFICATE OF SERVICE**

This is to certify that I, Faith E. Shehane, have this date served one (1) copy of the **OFFICE OF REGULATORY STAFF REPLY IN SUPPORT OF PETITION TO INTERVENE BY SOUTH CAROLINA COASTAL CONSERVATION LEAGUE AND SOUTHERN ALLIANCE FOR CLEAN ENERGY** in the above-referenced matter to the person(s) named below by causing said copy to be deposited in the United States Postal Service, first class postage prepaid and affixed thereto, and addressed as shown below:

Len S. Anthony, Esquire  
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J. Blanding Holman, IV, Esquire  
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Faith E. Shehane

October 24, 2011  
Columbia, South Carolina